

Senate File 2367 - Reprinted

SENATE FILE 2367
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3238)

(As Amended and Passed by the Senate March 10, 2010)

A BILL FOR

1 An Act relating to and making appropriations to certain
2 state departments, agencies, funds, and certain other
3 entities, providing for regulatory authority, and other
4 properly related matters, and including effective date and
5 retroactive applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I
ADMINISTRATION AND REGULATION
APPROPRIATIONS

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,053,209
.....	FTEs	62.51

b. For the payment of utility costs:

.....	\$	3,127,085
.....	FTEs	1.00

Notwithstanding section 8.33, any excess funds appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

It is the intent of the general assembly that the department shall reduce utility costs through energy conservation practices. The goal of the general assembly is to reduce energy use by 10 percent to save money, conserve energy resources, and reduce pollution.

c. The department shall, with the goal of reducing costs, reduce the size of the state fleet, examine policies on when state vehicles are assigned and circumstances for when employees take state vehicles home, and consider guidelines for when to sell and purchase new vehicles. The department shall submit a report to the general assembly by January 1, 2011, concerning the department's efforts to reduce state motor vehicle fleet costs, including data on the extent of savings

1 realized.

2 2. Members of the general assembly serving as members of
3 the deferred compensation advisory board shall be entitled
4 to receive per diem and necessary travel and actual expenses
5 pursuant to section 2.10, subsection 5, while carrying out
6 their official duties as members of the board.

7 3. Any funds and premiums collected by the department for
8 workers' compensation shall be segregated into a separate
9 workers' compensation fund in the state treasury to be used
10 for payment of state employees' workers' compensation claims
11 and administrative costs. Notwithstanding section 8.33,
12 unencumbered or unobligated moneys remaining in this workers'
13 compensation fund at the end of the fiscal year shall not
14 revert but shall be available for expenditure for purposes of
15 the fund for subsequent fiscal years.

16 Sec. 2. REVOLVING FUNDS. There is appropriated to the
17 department of administrative services for the fiscal year
18 beginning July 1, 2010, and ending June 30, 2011, from the
19 revolving funds designated in chapter 8A and from internal
20 service funds created by the department such amounts as the
21 department deems necessary for the operation of the department
22 consistent with the requirements of chapter 8A.

23 Sec. 3. FUNDING FOR IOWACCESS.

24 1. Notwithstanding section 321A.3, subsection 1, for
25 the fiscal year beginning July 1, 2010, and ending June 30,
26 2011, the first \$1,000,000 collected and transferred by the
27 department of transportation to the treasurer of state with
28 respect to the fees for transactions involving the furnishing
29 of a certified abstract of a vehicle operating record under
30 section 321A.3, subsection 1, shall be transferred to the
31 IowAccess revolving fund for the purposes of developing,
32 implementing, maintaining, and expanding electronic access to
33 government records as provided by law.

34 2. All fees collected with respect to transactions
35 involving IowAccess shall be deposited in the IowAccess

1 for the fiscal year shall not exceed the rates and fees set for
2 conducting audits as of January 1, 2009.

3 b. The auditor shall not seek reimbursement from
4 departments and agencies specified in section 11.5B in an
5 amount that exceeds the total amount reimbursed to the auditor
6 by those departments and agencies for the fiscal year beginning
7 July 1, 2008.

8 c. The auditor shall not seek reimbursement from
9 governmental subdivisions for audits which are reimbursable
10 pursuant to section 11.20 or 11.21 in an amount that exceeds
11 the total amount reimbursed to the auditor by governmental
12 subdivisions for the fiscal year beginning July 1, 2008.

13 d. Notwithstanding any provision of this subsection to the
14 contrary, the auditor may seek reimbursement from departments
15 and agencies specified in section 11.5B, and governmental
16 subdivisions, in an amount that exceeds the total amount
17 reimbursed to the auditor by those departments, agencies, or
18 governmental subdivisions for the fiscal year beginning July
19 1, 2008, for audits required by the federal government and
20 reimbursable from federal funds.

21 e. For purposes of this subsection, "total amount
22 reimbursed" does not include amounts reimbursed for audits
23 required and reimbursed from federal funds.

24 Sec. 6. AUDITOR OF STATE — DISCRETIONARY AUDITS. For the
25 fiscal year beginning July 1, 2010, and ending June 30, 2011,
26 the auditor of state, in addition to any other requirements
27 provided in this Act, shall not seek reimbursement from
28 departments and agencies specified in section 11.5B for any
29 discretionary audit that the auditor initiates or has initiated
30 on the auditor's own authority and which is not specifically
31 required by statute. Notwithstanding the prohibition contained
32 in this section, the auditor shall perform all necessary audit
33 duties related to any financial report required to be compiled
34 by a department or agency that the auditor has previously
35 audited in the normal course of the auditor's duties, whether

1 or not such financial report is required by law. Any amounts
2 reimbursed in association with such audit shall be limited to
3 the amounts reimbursed for the audit of such report during the
4 previous reporting period. However, the auditor of state may
5 seek reimbursement for the cost of conducting a discretionary
6 audit from any moneys recovered pursuant to any criminal or
7 civil action arising out of the discretionary audit.

8 Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
9 is appropriated from the general fund of the state to the
10 Iowa ethics and campaign disclosure board for the fiscal year
11 beginning July 1, 2010, and ending June 30, 2011, the following
12 amount, or so much thereof as is necessary, for the purposes
13 designated:

14 For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:

17	\$	537,256
18	FTEs	5.00

19 Sec. 8. DEPARTMENT OF COMMERCE.

20 1. There is appropriated from the general fund of the
21 state to the department of commerce for the fiscal year
22 beginning July 1, 2010, and ending June 30, 2011, the following
23 amounts, or so much thereof as is necessary, for the purposes
24 designated:

25 a. ALCOHOLIC BEVERAGES DIVISION

26 For salaries, support, maintenance, and miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29	\$	1,786,444
30	FTEs	31.00

31 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

32 For salaries, support, maintenance, and miscellaneous
33 purposes, and for not more than the following full-time
34 equivalent positions:

35	\$	810,498
----------	----	---------

1 FTEs 14.00

2 2. There is appropriated from the department of commerce
3 revolving fund created in section 546.12 to the department of
4 commerce for the fiscal year beginning July 1, 2010, and ending
5 June 30, 2011, the following amounts, or so much thereof as is
6 necessary, for the purposes designated:

7 a. BANKING DIVISION

8 For salaries, support, maintenance, and miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:

11 \$ 8,851,670

12 FTEs 80.00

13 b. CREDIT UNION DIVISION

14 For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:

17 \$ 1,727,995

18 FTEs 19.00

19 c. INSURANCE DIVISION

20 (1) For salaries, support, maintenance, and miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:

23 \$ 4,928,244

24 FTEs 103.00

25 (2) The insurance division may reallocate authorized
26 full-time equivalent positions as necessary to respond to
27 accreditation recommendations or requirements. The insurance
28 division expenditures for examination purposes may exceed the
29 projected receipts, refunds, and reimbursements, estimated
30 pursuant to section 505.7, subsection 7, including the
31 expenditures for retention of additional personnel, if the
32 expenditures are fully reimbursable and the division first does
33 both of the following:

34 (a) Notifies the department of management, the legislative
35 services agency, and the legislative fiscal committee of the

1 need for the expenditures.

2 (b) Files with each of the entities named in subparagraph
3 division (a) the legislative and regulatory justification for
4 the expenditures, along with an estimate of the expenditures.

5 (3) The insurance division shall allocate \$10,000 from
6 the examination receipts for the payment of its fees to the
7 national conference of insurance legislators.

8 d. UTILITIES DIVISION

9 (1) For salaries, support, maintenance, and miscellaneous
10 purposes, and for not more than the following full-time
11 equivalent positions:

12	\$ 8,173,069
13	FTEs 79.00

14 (2) The utilities division may expend additional funds,
15 including funds for additional personnel, if those additional
16 expenditures are actual expenses which exceed the funds
17 budgeted for utility regulation and the expenditures are fully
18 reimbursable. Before the division expends or encumbers an
19 amount in excess of the funds budgeted for regulation, the
20 division shall first do both of the following:

21 (a) Notify the department of management, the legislative
22 services agency, and the legislative fiscal committee of the
23 need for the expenditures.

24 (b) File with each of the entities named in subparagraph
25 division (a) the legislative and regulatory justification for
26 the expenditures, along with an estimate of the expenditures.

27 (3) Notwithstanding sections 8.33 and 476.10 or any other
28 provision to the contrary, any balance of the appropriation
29 made in this paragraph for the utilities division or any other
30 operational appropriation made for the fiscal year beginning
31 July 1, 2010, and ending June 30, 2011, that remains unused,
32 unencumbered, or unobligated at the close of the fiscal year
33 shall not revert but shall remain available to be used for
34 purposes of the energy-efficient building project authorized
35 under section 476.10B, or for relocation costs in succeeding

1 fiscal years.

2 3. CHARGES. Each division and the office of consumer
3 advocate shall include in its charges assessed or revenues
4 generated an amount sufficient to cover the amount stated
5 in its appropriation and any state-assessed indirect costs
6 determined by the department of administrative services.

7 4. TRAVEL. The director of the department of commerce shall
8 review on a quarterly basis all out-of-state travel for the
9 previous quarter for officers and employees of each division
10 of the department if the travel is not already authorized by
11 the executive council.

12 Sec. 9. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING
13 AND REGULATION BUREAU. There is appropriated from the housing
14 trust fund of the Iowa finance authority created in section
15 16.181, to the bureau of professional licensing and regulation
16 of the banking division of the department of commerce for the
17 fiscal year beginning July 1, 2010, and ending June 30, 2011,
18 the following amount, or so much thereof as is necessary, to be
19 used for the purposes designated:

20 For salaries, support, maintenance, and miscellaneous
21 purposes:
22 \$ 62,317

23 Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is
24 appropriated from the general fund of the state to the offices
25 of the governor and the lieutenant governor for the fiscal year
26 beginning July 1, 2010, and ending June 30, 2011, the following
27 amounts, or so much thereof as is necessary, to be used for the
28 purposes designated:

29 1. GENERAL OFFICE

30 For salaries, support, maintenance, and miscellaneous
31 purposes for the general office of the governor and the general
32 office of the lieutenant governor, and for not more than the
33 following full-time equivalent positions:

34 \$ 1,947,567
35 FTEs 25.25

1 2. TERRACE HILL QUARTERS

2 For salaries, support, maintenance, and miscellaneous
3 purposes for the governor's quarters at Terrace Hill, and for
4 not more than the following full-time equivalent positions:

5 \$ 394,291
6 FTEs 10.00

7 3. ADMINISTRATIVE RULES COORDINATOR

8 For salaries, support, maintenance, and miscellaneous
9 purposes for the office of administrative rules coordinator,
10 and for not more than the following full-time equivalent
11 positions:

12 \$ 114,450
13 FTEs 3.00

14 4. NATIONAL GOVERNORS ASSOCIATION

15 For payment of Iowa's membership in the national governors
16 association:

17 \$ 40,300

18 5. STATE-FEDERAL RELATIONS

19 For salaries, support, maintenance, and miscellaneous
20 purposes for the office for state-federal relations, and for
21 not more than the following full-time equivalent positions:

22 \$ 41,958
23 FTEs 2.00

24 Sec. 11. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There
25 is appropriated from the general fund of the state to the
26 governor's office of drug control policy for the fiscal year
27 beginning July 1, 2010, and ending June 30, 2011, the following
28 amount, or so much thereof as is necessary, to be used for the
29 purposes designated:

30 For salaries, support, maintenance, and miscellaneous
31 purposes, including statewide coordination of the drug abuse
32 resistance education (D.A.R.E.) programs or similar programs,
33 and for not more than the following full-time equivalent
34 positions:

35 \$ 357,866

1 FTEs 8.00

2 Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
3 from the general fund of the state to the department of human
4 rights for the fiscal year beginning July 1, 2010, and ending
5 June 30, 2011, the following amounts, or so much thereof as is
6 necessary, to be used for the purposes designated:

7 1. CENTRAL ADMINISTRATION DIVISION

8 For salaries, support, maintenance, and miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:

11 \$ 274,773

12 FTEs 7.00

13 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

14 For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:

17 \$ 1,247,926

18 FTEs 18.20

19 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

20 For salaries, support, maintenance, and miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:

23 \$ 1,284,725

24 FTEs 11.18

25 The criminal and juvenile justice planning advisory council
26 and the juvenile justice advisory council shall coordinate
27 their efforts in carrying out their respective duties relative
28 to juvenile justice.

29 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There
30 is appropriated from the general fund of the state to the
31 department of inspections and appeals for the fiscal year
32 beginning July 1, 2010, and ending June 30, 2011, the following
33 amounts, or so much thereof as is necessary, for the purposes
34 designated:

35 1. ADMINISTRATION DIVISION

1 For salaries, support, maintenance, and miscellaneous
2 purposes, and for not more than the following full-time
3 equivalent positions:

4 \$ 1,984,510
5 FTEs 37.25

6 2. ADMINISTRATIVE HEARINGS DIVISION

7 For salaries, support, maintenance, and miscellaneous
8 purposes, and for not more than the following full-time
9 equivalent positions:

10 \$ 609,585
11 FTEs 24.00

12 3. INVESTIGATIONS DIVISION

13 For salaries, support, maintenance, and miscellaneous
14 purposes, and for not more than the following full-time
15 equivalent positions:

16 \$ 1,365,570
17 FTEs 56.00

18 The department, in coordination with the investigations
19 division, shall provide a report to the general assembly by
20 January 10, 2011, concerning the fiscal impact of additional
21 full-time equivalent positions on the department's efforts
22 relative to the Medicaid divestiture program under chapter
23 249F.

24 4. HEALTH FACILITIES DIVISION

25 a. For salaries, support, maintenance, and miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28 \$ 4,030,108
29 FTEs 134.75

30 b. The department shall, in coordination with the health
31 facilities division, make the following information available
32 to the public in a timely manner, to include providing the
33 information on the department's internet website, during the
34 fiscal year beginning July 1, 2010, and ending June 30, 2011:

35 (1) The number of inspections conducted by the division

1 annually by type of service provider and type of inspection.

2 (2) The total annual operations budget for the division,
3 including general fund appropriations and federal contract
4 dollars received by type of service provider inspected.

5 (3) The total number of full-time equivalent positions in
6 the division, to include the number of full-time equivalent
7 positions serving in a supervisory capacity, and serving as
8 surveyors, inspectors, or monitors in the field by type of
9 service provider inspected.

10 (4) Identification of state and federal survey trends,
11 cited regulations, the scope and severity of deficiencies
12 identified, and federal and state fines assessed and collected
13 concerning nursing and assisted living facilities and programs.

14 c. It is the intent of the general assembly that the
15 department and division continuously solicit input from
16 facilities regulated by the division to assess and improve
17 the division's level of collaboration and to identify new
18 opportunities for cooperation.

19 5. EMPLOYMENT APPEAL BOARD

20 For salaries, support, maintenance, and miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:

23	\$	46,318
24	FTEs	15.00

25 The employment appeal board shall be reimbursed by the labor
26 services division of the department of workforce development
27 for all costs associated with hearings conducted under chapter
28 91C, related to contractor registration. The board may expend,
29 in addition to the amount appropriated under this subsection,
30 additional amounts as are directly billable to the labor
31 services division under this subsection and to retain the
32 additional full-time equivalent positions as needed to conduct
33 hearings required pursuant to chapter 91C.

34 6. CHILD ADVOCACY BOARD

35 For foster care review and the court appointed special

1 advocate program, including salaries, support, maintenance, and
2 miscellaneous purposes, and for not more than the following
3 full-time equivalent positions:

4	\$	2,920,367
5	FTEs	45.04

6 a. The department of human services, in coordination with
7 the child advocacy board and the department of inspections and
8 appeals, shall submit an application for funding available
9 pursuant to Tit. IV-E of the federal Social Security Act for
10 claims for child advocacy board administrative review costs.

11 b. The court appointed special advocate program shall
12 investigate and develop opportunities for expanding
13 fund-raising for the program.

14 c. Administrative costs charged by the department of
15 inspections and appeals for items funded under this subsection
16 shall not exceed 4 percent of the amount appropriated in this
17 subsection.

18 d. Notwithstanding any provision of sections 237.18 and
19 237.20 to the contrary, the child advocacy board may establish
20 up to six pilot projects using alternative policies to guide
21 the selection of cases and the procedures used by local
22 citizen foster care review boards as they review cases of
23 children who received or are receiving foster care or other
24 out-of-home placement services while under the supervision of
25 the department of human services. Policies to guide the pilot
26 project case selection and review time frames and reporting
27 formats shall be approved by the department of human services,
28 state court administrator, and the chief judge of any judicial
29 district in which a pilot project is to be implemented. The
30 child advocacy board shall report to the governor and general
31 assembly by January 1, 2011, on the progress of any new
32 approaches and their impact on efficiencies and case outcomes.

33 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL
34 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
35 July 1, 2010, and ending June 30, 2011, the department of

1 inspections and appeals shall retain any license fees generated
2 during the fiscal year as a result of actions under section
3 137F.3A occurring during the fiscal year beginning July 1,
4 2009, and ending June 30, 2010, for the purpose of enforcing
5 the provisions of chapters 137C, 137D, and 137F.

6 Sec. 15. FOOD CODE — CONTINUATION OF WAIVER POLICY. The
7 waiver policy of the department of inspections and appeals
8 allowing some food establishment franchises to continue the use
9 of certain cooking apparatus for ground meat until such food
10 establishment franchises are sold, as outlined in the letter
11 from the department's director dated June 15, 2006, shall
12 continue in force unless specifically eliminated by statute.

13 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS —
14 HEALTH CARE FACILITIES INSPECTIONS Notwithstanding any
15 provision of section 135C.16 to the contrary, inspections of
16 health care facilities that are only state-licensed and not
17 certified under the Medicare or Medicaid programs shall not be
18 inspected by the department of inspections and appeals every
19 thirty months, but only as provided pursuant to sections 135C.9
20 and 135C.38.

21 Sec. 17. MEDICAID FRAUD ACCOUNT APPROPRIATION — DEPARTMENT
22 OF INSPECTIONS AND APPEALS. There is appropriated from
23 the Medicaid fraud account created in section 249A.7 to the
24 department of inspections and appeals for the fiscal year
25 beginning July 1, 2010, and ending June 30, 2011, the amounts
26 necessary for the purposes designated:

27 1. To cover the cost of any state match to draw down
28 matching federal funds through the department of human services
29 for additional full-time equivalent positions for conducting
30 investigations of alleged fraud and overpayments of food
31 assistance benefits through electronic benefits transfer.

32 2. For the state financial match requirement for meeting
33 the federal mandates connected with the department's Medicaid
34 fraud and abuse activities, and the amount necessary to cover
35 costs incurred by the department or other agencies in providing

1 regulation, responding to allegations, or other activity
2 involving chapter 1350.

3 Sec. 18. RACING AND GAMING COMMISSION.

4 1. RACETRACK REGULATION

5 There is appropriated from the general fund of the state
6 to the racing and gaming commission of the department of
7 inspections and appeals for the fiscal year beginning July
8 1, 2010, and ending June 30, 2011, the following amount, or
9 so much thereof as is necessary, to be used for the purposes
10 designated:

11 For salaries, support, maintenance, and miscellaneous
12 purposes for the regulation of pari-mutuel racetracks, and for
13 not more than the following full-time equivalent positions:

14	\$	2,637,614
15	FTEs	28.53

16 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

17 There is appropriated from the general fund of the state
18 to the racing and gaming commission of the department of
19 inspections and appeals for the fiscal year beginning July
20 1, 2010, and ending June 30, 2011, the following amount, or
21 so much thereof as is necessary, to be used for the purposes
22 designated:

23 For salaries, support, maintenance, and miscellaneous
24 purposes for administration and enforcement of the excursion
25 boat gambling and gambling structure laws, and for not more
26 than the following full-time equivalent positions:

27	\$	3,034,862
28	FTEs	42.22

29 However, if more than 14 licenses to operate gambling games
30 on a gambling structure or excursion gambling boat are issued
31 during the fiscal year beginning July 1, 2010, and ending June
32 30, 2011, there is appropriated from the general fund to the
33 department an additional amount of not more than \$166,116 for
34 not more than 2.00 full-time equivalent positions for each
35 licensed gambling structure or excursion gambling boat in

1 excess of 14.

2 Sec. 19. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF
3 INSPECTIONS AND APPEALS. There is appropriated from the road
4 use tax fund created in section 312.1 to the administrative
5 hearings division of the department of inspections and appeals
6 for the fiscal year beginning July 1, 2010, and ending June 30,
7 2011, the following amount, or so much thereof as is necessary,
8 for the purposes designated:

9 For salaries, support, maintenance, and miscellaneous
10 purposes:
11 \$ 1,623,897

12 Sec. 20. DEPARTMENT OF MANAGEMENT. There is appropriated
13 from the general fund of the state to the department of
14 management for the fiscal year beginning July 1, 2010, and
15 ending June 30, 2011, the following amounts, or so much thereof
16 as is necessary, to be used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:
20 \$ 4,881,860
21 FTEs 60.40

22 Of the moneys appropriated in this section, the department
23 shall use a portion for enterprise resource planning, providing
24 for a salary model administrator, conducting performance
25 audits, and for the department's LEAN process.

26 Sec. 21. ROAD USE TAX APPROPRIATION — DEPARTMENT OF
27 MANAGEMENT. There is appropriated from the road use tax fund
28 created in section 312.1 to the department of management for
29 the fiscal year beginning July 1, 2010, and ending June 30,
30 2011, the following amount, or so much thereof as is necessary,
31 to be used for the purposes designated:

32 For salaries, support, maintenance, and miscellaneous
33 purposes:
34 \$ 56,000

35 Sec. 22. DEPARTMENT OF REVENUE. There is appropriated from

1 the general fund of the state to the department of revenue
2 for the fiscal year beginning July 1, 2010, and ending June
3 30, 2011, the following amounts, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 For salaries, support, maintenance, and miscellaneous
6 purposes, and for not more than the following full-time
7 equivalent positions:

8 \$ 22,729,219
9 FTEs 360.07

10 Of the funds appropriated pursuant to this section, \$400,000
11 shall be used to pay the direct costs of compliance related to
12 the collection and distribution of local sales and services
13 taxes imposed pursuant to chapters 423B and 423E.

14 The director of revenue shall prepare and issue a state
15 appraisal manual and the revisions to the state appraisal
16 manual as provided in section 421.17, subsection 17, without
17 cost to a city or county.

18 The director of revenue shall provide a report to the general
19 assembly by January 10, 2011, concerning the impact on revenues
20 collected by the department relative to any increase in
21 examiners authorized for the department in legislation enacted
22 during the 2010 session of the general assembly.

23 Sec. 23. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
24 appropriated from the motor fuel tax fund created by section
25 452A.77 to the department of revenue for the fiscal year
26 beginning July 1, 2010, and ending June 30, 2011, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purposes designated:

29 For salaries, support, maintenance, and miscellaneous
30 purposes for administration and enforcement of the provisions
31 of chapter 452A and the motor vehicle use tax program:
32 \$ 1,305,775

33 Sec. 24. SECRETARY OF STATE. There is appropriated from
34 the general fund of the state to the office of the secretary of
35 state for the fiscal year beginning July 1, 2010, and ending

1 June 30, 2011, the following amounts, or so much thereof as is
2 necessary, to be used for the purposes designated:

3 For salaries, support, maintenance, and miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:

6	\$	2,895,585
7	FTEs	43.00

8 The state department or state agency which provides data
9 processing services to support voter registration file
10 maintenance and storage shall provide those services without
11 charge.

12 Sec. 25. SECRETARY OF STATE FILING FEES REFUND.

13 Notwithstanding the obligation to collect fees pursuant to the
14 provisions of section 490.122, subsection 1, paragraphs "a" and
15 "s", and section 504.113, subsection 1, paragraphs "a", "c",
16 "d", "j", "k", "l", and "m", for the fiscal year beginning July
17 1, 2010, the secretary of state may refund these fees to the
18 filer pursuant to rules established by the secretary of state.
19 The decision of the secretary of state not to issue a refund
20 under rules established by the secretary of state is final and
21 not subject to review pursuant to the provisions of the Iowa
22 administrative procedure Act, chapter 17A.

23 Sec. 26. TREASURER. There is appropriated from the general
24 fund of the state to the office of treasurer of state for the
25 fiscal year beginning July 1, 2010, and ending June 30, 2011,
26 the following amount, or so much thereof as is necessary, to be
27 used for the purposes designated:

28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$	854,289
32	FTEs	28.80

33 The office of treasurer of state shall supply clerical and
34 secretarial support for the executive council.

35 Sec. 27. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER

1 OF STATE. There is appropriated from the road use tax fund
2 created in section 312.1 to the office of treasurer of state
3 for the fiscal year beginning July 1, 2010, and ending June 30,
4 2011, the following amount, or so much thereof as is necessary,
5 to be used for the purposes designated:

6 For enterprise resource management costs related to the
7 distribution of road use tax funds:
8 \$ 93,148

9 Sec. 28. IPERS — GENERAL OFFICE. There is appropriated
10 from the Iowa public employees' retirement system fund to the
11 Iowa public employees' retirement system for the fiscal year
12 beginning July 1, 2010, and ending June 30, 2011, the following
13 amount, or so much thereof as is necessary, to be used for the
14 purposes designated:

15 For salaries, support, maintenance, and other operational
16 purposes to pay the costs of the Iowa public employees'
17 retirement system, and for not more than the following
18 full-time equivalent positions:
19 \$ 17,686,968
20 FTEs 90.13

21 Sec. 29. REBUILD IOWA OFFICE. There is appropriated from
22 the general fund of the state to the rebuild Iowa office for
23 the fiscal year beginning July 1, 2010, and ending June 30,
24 2011, the following amount, or so much thereof as is necessary,
25 to be used for the purposes designated:

26 For salaries, support, maintenance, and miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:
29 \$ 647,014
30 FTEs 12.00

31 It is the intent of the general assembly that the rebuild
32 Iowa office shall be repealed effective June 30, 2011, and
33 shall not receive an appropriation from the general fund of the
34 state after that date.

35 Sec. 30. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

1 APPLICABILITY. The section of this division of this Act
2 directing the department of inspections and appeals to continue
3 a waiver policy, being deemed of immediate importance, takes
4 effect upon enactment and applies retroactively to June 22,
5 2007.

6 DIVISION II

7 AUDITS

8 Sec. 31. Section 8D.13, subsection 13, Code 2009, is amended
9 by striking the subsection.

10 Sec. 32. Section 11.5B, Code 2009, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 16. Financial administration duties of the
13 department of management as provided in sections 8.71 through
14 8.99.

15 Sec. 33. Section 182.18, unnumbered paragraph 1, Code 2009,
16 is amended to read as follows:

17 Moneys collected under this chapter are subject to audit by
18 the auditor of state and shall be used by the Iowa sheep and
19 wool promotion board first for the payment of collection and
20 refund expenses, second for payment of the costs and expenses
21 arising in connection with conducting referendums, ~~and~~ third
22 for the purposes identified in section 182.11, and fourth for
23 the cost of audits for the auditor of state. Moneys of the
24 board remaining after a referendum is held at which a majority
25 of the voters favor termination of the board and the assessment
26 shall continue to be expended in accordance with this chapter
27 until exhausted. The auditor of state may seek reimbursement
28 for the cost of the audit.

29 Sec. 34. Section 184.14, unnumbered paragraph 2, Code 2009,
30 is amended to read as follows:

31 Moneys collected, deposited in the fund, and transferred
32 to the council as provided in this chapter are subject to
33 audit by the auditor of state. The auditor of state may
34 seek reimbursement for the cost of the audit. The moneys
35 transferred to the council shall be used by the council first

1 for the payment of collection expenses, second for payment of
2 the costs and expenses arising in connection with conducting
3 referendums, ~~and~~ third to perform the functions and carry out
4 the duties of the council as provided in this chapter, and
5 fourth for the cost of audits by the auditor of state. Moneys
6 remaining after the council is abolished and the imposition of
7 an assessment is terminated pursuant to a referendum conducted
8 pursuant to section 184.5 shall continue to be expended in
9 accordance with this chapter until exhausted.

10 Sec. 35. Section 184A.6, subsection 2, Code 2009, is amended
11 to read as follows:

12 2. The council shall expend moneys from the account first
13 for the payment of expenses for the collection of assessments,
14 ~~and then~~ second for the payment of expenses related to
15 conducting a referendum as provided in section 184A.12,
16 and third for the cost of audits by the auditor of state as
17 required in section 184A.9. The council shall expend remaining
18 moneys for market development, producer education, and the
19 payment of refunds to producers as provided in this chapter.

20 Sec. 36. Section 184A.9, Code 2009, is amended to read as
21 follows:

22 **184A.9 Audit.**

23 Moneys required to be deposited in the turkey council
24 account as provided in section 184A.4 shall be subject to
25 audit by the auditor of state. The auditor of state may seek
26 reimbursement for the cost of the audit from moneys deposited
27 in the turkey council account.

28 Sec. 37. Section 185C.26, Code 2009, is amended to read as
29 follows:

30 **185C.26 Deposit of moneys — corn promotion fund.**

31 A state assessment collected by the board from a sale of corn
32 shall be deposited in the office of the treasurer of state in
33 a special fund known as the corn promotion fund. The fund may
34 include any gifts, rents, royalties, interest, license fees,
35 or a federal or state grant received by the board. Moneys

1 collected, deposited in the fund, and transferred to the board
2 as provided in this chapter shall be subject to audit by the
3 auditor of state. The auditor of state may seek reimbursement
4 for the cost of the audit from moneys deposited in the fund as
5 provided in this chapter. The department of administrative
6 services shall transfer moneys from the fund to the board
7 for deposit into an account established by the board in a
8 qualified financial institution. The department shall transfer
9 the moneys as provided in a resolution adopted by the board.
10 However, the department is only required to transfer moneys
11 once during each day and only during hours when the offices of
12 the state are open. From moneys collected, the board shall
13 first pay all the direct and indirect costs incurred by the
14 secretary and the costs of referendums, elections, and other
15 expenses incurred in the administration of this chapter, before
16 moneys may be expended for the purpose of carrying out the
17 purposes of this chapter as provided in section 185C.11.

18 DIVISION III

19 DEPARTMENT OF ADMINISTRATIVE SERVICES PROVISIONS

20 Sec. 38. Section 8A.207, subsection 4, paragraph c, Code
21 2009, is amended to read as follows:

22 *c. Contracts let by another governmental entity.* The
23 department, on its own behalf or on the behalf of another
24 participating agency or governmental entity, may procure
25 information technology by leveraging existing competitively
26 procured contracts or under a contract let by another agency
27 or other governmental entity, or may approve such procurement
28 in the same manner by a participating agency or governmental
29 entity.

30 Sec. 39. NEW SECTION. **8A.315A Purchase of chain-of-custody**
31 **paper.**

32 1. Notwithstanding any requirements under section 8A.315
33 related to the purchase of recycled paper to the contrary, the
34 department may use certified chain-of-custody paper as provided
35 in this section in lieu of recycled paper. The department

1 shall adopt rules related to the use of chain-of-custody paper.

2 2. As used in this section, unless the context otherwise
3 requires, "*certified chain-of-custody paper*" means paper that
4 has been certified pursuant to a process that tracks and
5 records the possession and transfer of wood and fiber used
6 to make paper through the different states of production to
7 the end user of the paper. The department shall adopt rules
8 defining "*certified chain-of-custody paper*" consistent with the
9 certification requirements established by independent entities
10 such as the forest stewardship council, sustainable forest
11 initiative, or other similar entity.

12 Sec. 40. Section 8A.454, subsection 4, Code Supplement
13 2009, is amended by striking the subsection.

14 Sec. 41. VEHICLE DEPRECIATION FUNDS.

15 Notwithstanding any provision of section 8A.365 to the
16 contrary, a department or agency otherwise required to pay a
17 depreciation expense pursuant to that section shall not be
18 required to pay the depreciation expense during the fiscal year
19 beginning July 1, 2010, and ending June 30, 2011. However, the
20 department of administrative services may encourage departments
21 or agencies otherwise required to pay a depreciation expense
22 to make voluntary payments in an effort to maintain the state
23 fleet in the most cost-efficient manner possible, including the
24 future replacement of vehicles, as necessary and appropriate.

25 Sec. 42. EFFECTIVE UPON ENACTMENT. The section of this
26 division of this Act amending section 8A.454, being deemed of
27 immediate importance, takes effect upon enactment.

28 DIVISION IV

29 MEDICATION THERAPY MANAGEMENT

30 Sec. 43. NEW SECTION. 514C.26 Medication therapy management
31 coverage — repeal.

32 1. Notwithstanding the uniformity of treatment requirements
33 of section 514C.6, a group plan established pursuant to chapter
34 509A for employees of the state providing for third-party
35 payment or prepayment for health or medical expenses that

1 include pharmaceutical benefits shall provide coverage for
2 medication therapy management in accordance with this section.
3 The provisions of this section shall apply to plans established
4 pursuant to chapter 509A for employees of the state, except
5 plans established for employees of the state board of regents
6 or institutions under the state board of regents, that are
7 delivered, issued for delivery, continued, or renewed in this
8 state on or after January 1, 2011.

9 2. As used in this section, "*medication therapy management*"
10 means a systematic process performed by a licensed pharmacist,
11 designed to optimize therapeutic outcomes through improved
12 medication use and reduced risk of adverse drug events,
13 including all of the following services:

14 a. A medication therapy review of all medications, vitamins,
15 and herbal supplements currently being taken by an eligible
16 individual.

17 b. A medication action plan, subject to the limitations
18 specified in this section, communicated to the individual and
19 the individual's primary care physician or other appropriate
20 prescriber to address safety issues, inconsistencies,
21 duplicative therapy, omissions, and medication costs. The
22 medication action plan may include recommendations to the
23 prescriber for changes in drug therapy.

24 c. Documentation and follow-up to ensure consistent levels
25 of pharmacy services and positive outcomes.

26 3. a. Medication therapy management service coverage shall
27 be a required covered benefit for all insureds meeting any of
28 the following criteria:

29 (1) An individual taking four or more prescription drugs to
30 treat or prevent two or more chronic medical conditions.

31 (2) An individual with a prescription drug therapy problem
32 who is identified by the prescribing physician or other
33 appropriate prescriber, and referred to a pharmacist for
34 medication therapy management services.

35 (3) An individual who meets other criteria established by

1 the health benefit plan.

2 *b.* The fees for pharmacist delivered medication therapy
3 management services shall be separate from the reimbursement
4 for prescription drug product or dispensing services; shall be
5 determined by each health benefit plan; and must be reasonable
6 based on the resources and time required to provide the
7 service.

8 *c.* A fee shall be established for physician reimbursement
9 for services delivered for medication therapy management and
10 must be reasonable based on the resources and time required to
11 provide the service.

12 *d.* If any part of the medication therapy management
13 plan developed by a pharmacist incorporates services which
14 are outside the pharmacist's independent scope of practice
15 including the initiation of therapy, modification of dosages,
16 therapeutic interchange, or changes in drug therapy, the
17 express authorization of the individual's physician or other
18 appropriate prescriber is required.

19 4. Medication therapy management services shall be provided
20 through a contract, established through a request for proposals
21 process, with a company located in this state that is a
22 nationally recognized leader in and has a minimum of ten years
23 of experience administering medication therapy management
24 services. The contract shall require the company to provide
25 annual reports to the general assembly detailing the costs,
26 savings, estimated cost avoidance and return on investment, and
27 patient outcomes related to the medication therapy management
28 services provided. The company shall guarantee annual
29 estimated cost avoidance at least equal to the program's costs
30 with any shortfall amount refunded to the state. As a proof
31 of concept in the program for the period beginning January 1,
32 2011, and ending December 31, 2011, the company shall offer
33 a dollar-for-dollar guarantee for drug product costs savings
34 alone.

35 5. This section shall not apply to accident-only, specified

1 disease, short-term hospital or medical, hospital confinement
2 indemnity, credit, dental, vision, Medicare supplement,
3 long-term care, basic hospital, and medical-surgical expense
4 coverage as defined by the commissioner, disability income
5 insurance coverage, coverage issued as a supplement to
6 liability insurance, workers' compensation or similar
7 insurance, or automobile medical payment insurance, or
8 individual accident and sickness policies issued to individuals
9 or to individual members of a member association.

10 6. This section is repealed June 30, 2012.

11

DIVISION V

12

BANKING DIVISION PROVISIONS

13 Sec. 44. Section 524.814, Code 2009, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 1A. To secure transactions to hedge risks
16 associated with interest rate exposure, subject to the approval
17 of the superintendent.